

### **REMARKS/ARGUMENTS**

Applicants have carefully reviewed the non-final Office Action mailed May 18, 2007. Applicant respectfully traverses all objections, rejections and assertions made by the Examiner. Claims 1-56 remain pending, of which claims 1-40 have been withdrawn from consideration. Claims 41-56 remain under consideration. Reconsideration, examination and allowance of all pending claims are respectfully requested.

#### **35 U.S.C. § 102(b) Rejections**

The Examiner rejected claim 41 under 35 U.S.C. § 102(b) as being anticipated by *Cohen* (U.S. Patent 5,330,521). Applicants respectfully traverse this rejection. To anticipate a claim, the reference must teach every element of the claim. See M.P.E.P. §2131.01. *Cohen* fails to do so.

The Examiner argues that *Cohen* discloses a “[m]edical device including a reinforcing member (42) providing one or more filaments (42) adapted and configured to be made into the reinforcing member for the medical device, the one or more filaments including a metallic surface (col 8, ln 20-30) having an initial surface area, treating at least the portion of the surface (col 9, ln 30-45) to provide a final surface that is greater than the initial surface area.” (Office Action, Page 2).

*Cohen* apparently discloses low resistance implantable electrical leads that include a wire core formed into a helical coil and a layer of an electrically conductive material formed around the wire core. (see Summary, Col. 3, Lines 15-28). Apparently, insulating oxides or films that may be present on the surface of the core wire must be substantially removed before forming the electrically conductive layer 24, and an example technique of doing so involves etching the wire core 22 with an acid in an inert atmosphere. (Col 6, ln 52-65). Additionally, *Cohen* apparently also teaches a wire core having a varied diameter, and one example method of producing such a wire core is by feeding a wire of uniform diameter through an etchant, such as an aqua regia, at varying speed. (Col 9, ln 29-42). However, there is no apparent teaching of suggestion in *Cohen* of “[t]reating at least the portion of the surface of the one or more metallic filaments to provide a final surface area that is greater than the initial surface area.” And such subject matter is not inherently taught in *Cohen* either. Those of skill in the

art and others will recognize that etching or treating a surface, as disclosed in *Cohen*, does not necessarily yield an increase in surface area. For example, the initial surface area, among other factors, will determine whether etching the surface will yield an increase, decrease, or no substantial change in the surface area after the treatment. The assertion by the Examiner that *Cohen* discloses “treating at least the portion of the surface (col 9, ln 30-45) to provide a final surface that is greater than the initial surface area” is apparently inaccurate and erroneous.

In contrast to *Cohen*, claim 41 recites “[t]reating at least the portion of the surface of the one or more metallic filaments to provide a final surface area that is greater than the initial surface area.” This distinguishes claim 41 from *Cohen*, because while *Cohen* apparently teaches etching the wire core to either remove oxides or reduce portions of its diameter, it does not apparently teach or suggest, either explicitly or inherently, treating to provide a final surface area that is greater than the initial surface area. Thus, Applicant respectfully asserts that independent claim 41 is not anticipated by the *Cohen* reference.

### **35 U.S.C. § 103(a) Rejections**

In paragraph 6 of the Office Action, the Examiner rejects claims 41-56 under 35 U.S.C. § 103(a) as being unpatentable over *Parisi et al.* (U.S. Patent Publication 2001/0027310) in view of *Cohen*. Applicants respectfully traverse this rejection. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See M.P.E.P. §2143.03.

*Parisi et al.* appears to disclose a multi-layered catheter with a braided support member layer. The Examiner stated that *Parisi et al.* does not appear to teach or suggest “[a] metallic member that is etched to provide a difference in surface area.” In particular, *Parisi et al.* does not teach or suggest “[t]reating at least the portion of the surface of the one or more metallic filaments to provide a final surface area that is greater than the initial surface area” as recited in independent claim 41. And the *Cohen* reference does not seem to cure the deficiencies of *Parisi et al.* As stated above, *Cohen* apparently discloses the etching of a wire core to remove oxides and/or reduce its diameter, and does not appear to explicitly or inherently disclose treating at least a portion of the surface of one or more metallic filaments

to provide a final surface area that is greater than the initial surface area. Thus, since the combination of the cited references does not teach each and every element of independent claim 41, Applicant submits that for at least this reason, independent claim 41, and dependent claims 42-47, 55, and 56, are patentable over *Parisi et al.* in view of *Cohen*.

Applicant respectfully submits that claims 48-52 are also patentable over *Parisi et al.* in view of *Cohen*. Independent claim 48 recites “a reinforcing member including a metallic filament that includes a metallic surface that includes a portion that has been treated to provide an increased surface area relative to a surface area of the portion prior to treatment,” and wherein the “[i]ncreased surface area on the portion of the surface of the metallic filament of the reinforcing member allows for a mechanical bond between the reinforcing member and the one or more polymer structures.” Neither *Parisi et al.* nor *Cohen* disclose, suggest, or teach these limitations. Accordingly, for at least this reason, independent claim 48, and dependent claims 49-52 are allowable over *Parisi et al.* in view of *Cohen*.

Applicant respectfully submits that claim 53 is also allowable over *Parisi et al.* in view of *Cohen*. Claim 53 recites a catheter comprising “[a] metallic reinforcing member including a metallic surface, wherein at least a portion of the surface has been treated to provide an increased surface area relative to a surface area of the portion prior to treatment.” *Parisi et al.* does not teach or suggest these limitations. Likewise, the *Cohen* reference does not seem to disclose or suggest this feature. Thus, Applicant respectfully asserts that claim 53 is allowable over *Parisi et al.* in view of *Cohen*.

Finally, Applicant respectfully submits that claim 54 is allowable over *Parisi et al.* in view of *Cohen*. Claim 54 recites a catheter, comprising “[a] braid including a plurality of metallic braid filaments each including a metallic surface, wherein a portion of the surface of the filaments is chemically etched to provide a roughened surface; and a polymer member connected to the roughened surface.” The Examiner stated that *Parisi et al.* discloses a “[g]uide catheter (11) with an inner liner and the device being a multi-material layered composite structure... [b]ut does not include a metallic member that is etched to provide a difference in surface area.” As stated above, *Cohen* does not cure the deficiencies of *Parisi et al.* Thus, since neither *Parisi et al.* nor *Cohen* suggest or teach a roughened surface, Applicant respectfully asserts that claim 54 is allowable over *Parisi et al.* in view of *Cohen*.

**Conclusion**

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, and issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By his attorney,

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